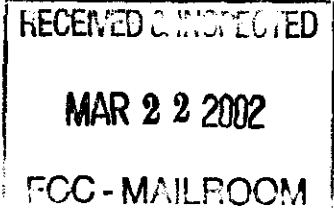


ORIGINAL

EX PARTE OR LATE FILED

Peggy Arvanitas
"The Lone Consumer"
PO Box 8787
Seminole, Fla. 33775



February 21, 2002

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington D.C. 20554

RE: Ex Parte Presentation
CC Docket 99-200
Protest of Verizon Wireless' Petition for Partial Forbearance
Of CMRS Portability

Dear Ms. Salas,

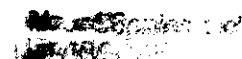
On February 15, 2002 the consumer Peggy Arvanitas had a conversation with Commissioner Copps' legal assistant Jordan Goldstein by phone. I called attention to my previous FCC 99-200 filing May 2001 concerning the CMRS portability forbearance that kicked off Verizon Wireless' CMRS Portability filing July 2001. Enclosed are the further points I reviewed with him, concerning fallacies with CTIA and Verizon Wireless' filing, as well as inconsistencies in the NANC reports filed in 95-116 Dec2000 regarding wireless to wireline portability in the absence of LNP application before pooling.

Pursuant to Section 1.1206 of Commission's Rules, an original and five copies Of this ex-parte are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,


Peggy Arvanitas

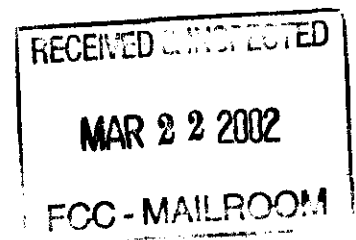
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February 21, 2002



EX PARTE FILING

RE: Verizon Wireless' CMRS Forbearance of Portability
CC Docket 99-200

Dear Chairman Powell,

I had a 15 minute ex-parte conversation with Commissioner Copps' legal assistant Jordan Goldstein on February 15, 2002. I called attention to my FCC 99-200 filing challenging the Cellular Portability Forbearance dated May 2001. After reading numerous filings from the State Co-ordination Group, State PUC's and the Telecom "Industry", as well as four year old and current North American Numbering Council Reports, I brought up these serious issues. The lack of timely response dealing with these issues will impede any number conservation expected with cellular number pooling. Also, the smokescreen of the truth for what are the true issues of noncompliance that would make any future CMRS portability forbearance by the FCC to be in violation of the 47 USC Commercial Code Section 251 (commonly known as the 1996 U.S. Congress Telecom Act). Below were my major points.

- 1) The FCC docket 95-116 Forbearance dated 1999 (FCC order 99-19) and 1996 Portability order allowed the forbearance of CMRS number portability "to support roaming". Nowhere in that Order did it say, as Michael Altschul has stated in his CTIA filings, "to support roaming nationally." The Cellular Industry is to be LNP capable in the "top 100 MSA's" as the wireline Industry had to be.
- 2) To allow any continual forbearance of Cellular Portability until the CMRS Industry is LNP capable NATIONALLY would allow a competitive advantage to the Wireless Industry that was not enjoyed by the Wireline Industry for their Dec 31, 1998 deadline. This would make any future FCC Forbearance for the Wireless Industry in violation of the "competitive Neutrality" clause of SECTION 251 of The 1996 Telecom Act. From my research, I did note for AT&T, BellSouth, and GTE a minimum 10% dip in wireline profits for 1998 and 1999. Therefore, the lack of equipment and software upgrades will give the Wireless Industry a minimum 10% profit over Wireline companies.

- 3) CTIA's November 21, 2001 filing on page 6 discussed "that all MIN-based wireless carriers must separate the MIN from the MDN number in order to complete the calls of ported subscribers..." What he failed to tell the FCC as well as the Public Utility Commission members is that only TDMA and CDMA, old Qualcomm software needs MIN/MDN separation. As I read the FCC order 99-19 that no one is reading, (Bureau Extension Order 13 FCC Red. At 16319-20 para. 9-10) "We recognize that some wireless carriers may require less time than others to implement number portability in their networks. The record indicates that GSM carriers are likely to have this capability much sooner than others, in large part because GSM technology utilizes separate MIN and MDN's for mobile units on the system."
- 4) It is interesting to note, Verizon Wireless not only has CDMA technology, but they intend to keep it that way. Read their verizonwireless.com website, and a subtext is cdg.org website. They have negotiated a cheaper "deal" for phones with Nokia. Since there is a "marketing special" with new cell phones in the Wireless Industry, they are broadcasting millions of dollars in savings. Also, the cost of tying CDMA technology to 3G wireless capabilities is cheaper. We are inconveniencing Verizon Wireless from a billion dollar enterprise to keep their CDMA technology INTERNATIONALLY. I did not read in NAFTA documents that American companies were excluded from national enforcement for international profits.
- 5) From reading a Washington Post article, 62% of the Cellular Industry used GSM technology, and by 2002, AT&T and Cingular's remaining networks of TDMA would be converted to GSM. So we are waiting on Verizon Wireless???
- 6) Reading the smokescreen of CTIA's "native pooling" filing then, is a joke, dated February 2002. This is nothing more than a glorified NUMBER RESERVATION SYSTEM. The Wireless Industry would receive 1000 block for pooling, but the balance of the 9000 numbers would be reserved ONLY FOR THAT CELLULAR COMPANY'S USE. How would state PUC's then have number conservation? Already, according to NANPA, the Wireless Industry is receiving 50% or more of the numbering resources for growth codes. Upon reading the 1998 NANC report "Wireless to Wireline Porting", the report was quite blunt about not being LNP capable to do pooling. Only one cellular carrier could be assigned 1000 block in an NXX (10,000 block group of numbers.) This is not going to help the exhaust of the NANP, nor is it "competitively neutral."
- 7) There has always been an extension for portability deadlines, even in 1998 for the Wireline Industry because of a lack of software upgrades being deployed in a timely manner. Now, we are to believe Nortel has this unexpected "brain drain" with personal employee losses and budget cutbacks. I am sending this ex parte, also to Microsoft, as maybe we need fresh American company expertise to deal with this critical problem we are facing. No software company anywhere in the military would miss a critical deadline like this. Well, I guess, with 911 emergency location software the Wireless Industry has postponed every year since 1997, what else can we expect? As always, in a year where the FCC is asking for a budget increase from Congress, we would expect the FCC to give the Industry another forbearance.

I was told by Jordan Goldstein that someone from the Wireless Division would call me back to discuss my findings. This did not occur. I am feeling like Sir Lancelot, in the Excalibur movie, "No one can beat me in joust or duel." This is why, as always, I report my findings to Levent Ileri- Florida PSC and Greg Pentenaude NY PUC , members and the original co-chairs of the State Co-ordination Group. The FCC has dropped the ball by this delay. As usual, the State PUC Commissioners will have to ask Congress to assist the FCC in enforcement. I am sadly disappointed.

A handwritten signature in black ink, appearing to read "Peggy Arvanitis". The script is fluid and cursive, with the first name "Peggy" being more prominent and the last name "Arvanitis" following in a similar style.

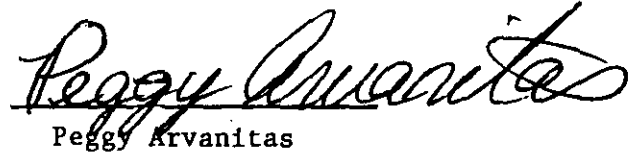
Peggy Arvanitis

Regional Director, New York

(727)-515-8519

CERTIFICATE OF SERVICE

I, Peggy Arvanitas, hereby certify that a true and correct copy of the above and foregoing ex parte Comments of Ms. Arvanitas, CC Docket No. 99-200, were served first class postage pre-paid to the parties listed below: February 22, 2002


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